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HISTORICAL & SCIENTIFIC SOCIETY
OF MANITOBA.

The First Recorder
— OF —
RUPERT'S LAND.

A Paper read before the Society on May 4th, 1890,
BY GEORGE BRYCE, L L. D.,

A Life Member of the Society.

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THE FIRST RECORDER.

Sketch of "Judge Thom," an early Red River Celebrity.

Rev. Dr. Bryce, on 4th of May, in the City Hall, Winnipeg, before the Historical and Scientific Society of Manitoba, read the following interesting biographical sketch of a remarkable man of Red River of old :—

In the winter of 1882, while staying in London, which the subject of this sketch used facetiously to call "the wen of the world," the writer frequently met a retired old gentleman often known as "Judge Thom," who had more than forty years before made his entree to Red River Settlement as first recorder of Rupert's Land. At the time of meeting in London the judge had entered upon his eightieth year. He was tall, and though walking with a slight stoop, was of commanding presence. He was what people usually call a man of marked individuality. His opinions were all formed; he had views on any matter that came up for discussion; and was very fond of a talk with a passing friend. In conversation with the old gentleman it would be at once noticed that he had a large fund of information, and to any visitor from Manitoba it was surprising to see how the lapse of 30 years' absence from the country had not effaced a line from memory in regard to the affairs of all the families of that time resident in Red River. In fact Judge Thom had a marvellous mind for details. Some would no doubt have called him loquacious, but to most he was a very interesting man. Dr. Thom's broad Aberdonian accent had not been greatly softened by his colonial residence, nor by his subsequent sojourn in London. In speech and ideas the Judge was a strong man, and it will be our pleasing duty this evening to give the outlines of his somewhat eventful life, which ended a little more than two months ago.

EARLY LIFE.

Adam Thom was born in Aberdeen on the 30th of August, 1802, and had the remembrance to the last of having seen in his third year the great rejoicing that took place after Nelson's great victory at the battle of Trafalgar, October 21st, 1805. Indeed Judge Thom was of opinion that a certain weakness of eyes, from which he suffered all his life, was a result of the illuminations that took place in connection with that great event. In the year 1819, young Thom being, as he himself says, "of the same age as Joseph in the pit on his way to the presence of Pharaoh," entered King's College, Aberdeen, where he was a successful student, and graduated by 1824 with the degree of Master of Arts. It was in the second year of his course at Aberdeen that he met with one who, far away on the plains of Rupert's Land, was to be

his intimate friend and companion, whom indeed he was to call his "alter ego." This was John McCallum, of whom we shall speak more fully and who it will be remembered founded the school, which became in time St. John's College in this city. Scotland was then as now sending up its young men to the great metropolis, which contains more Scotchmen than Edinburgh, and in 1825 both Thom and his fellow-student McCallum found themselves earning their bread there, the former in Woolwich and the latter in Blackheath.

EMIGRATES TO CANADA.

About this time a great outflow of the British people was taking place to the new world. In the year 1831 upwards of 30,000 people left the British Isles for Canada. Overpressure of population and political discontent were no doubt the chief factors in this great emigration. In the following year a popular movement to Canada was headed in the south of England by Lord Egremont and three ships carried the Sussex colony to the St. Lawrence. To the enterprising mind of young Thom the opportunities said to be afforded by Canada were a great attraction, and so taking the last ship of the season (1832), the "Rosalind," from London, after a rough passage, the vessel even running aground at Anticosti in the St. Lawrence, the young adventurer reached Montreal. Carried away by the new world fever in the following year his friend, McCallum, also accepted the task, under the patronage of Rev. David Jones, the Hudson Bay chaplain at Red River, of founding a boarding school for the children of the Hudson Bay company officers and others at the headquarters of the company, and sailed by the company's ship early in 1833 to come by way of Hudson Bay to the scene of his future labors. Young Thom seems to have at once entered on the study of law in Montreal, and with such diligence, that according to his own account, having his time shortened by one year because of his degree, he was admitted into the profession of law in the year 1836.

A POLITICAL WRITER.

To any of Mr. Thom's friends it was evident that there was in him to the end of his life a strange restlessness of disposition. It agrees completely with this that he should not have settled down to the routine of a lawyer's life. His disposition led him to take great interest in public affairs. He was in mental characteristics something of an independent thinker, and yet his conclusions were usually rather staid and ordinary. His mental bias was evidently that of a radical, while his social

disposition led him to be somewhat subservient to prevailing ideas and customs. In method he was radical; in fact, he was conservative. It will be necessary to bear in mind this somewhat striking inharmoniousness to understand some of the episodes of his life. Affairs in Montreal at this time were in a strained condition. It was shortly before the rebellion of 1837. The British colony in Lower Canada held the reins of power; the French Canadians were in a highly dissatisfied state. Louis Papineau was stirring up his French compatriots. In his seditious career he came out boldly for Republican principles. "The time has gone by," said Papineau, "when Europe could give monarchs to America. The epoch is approaching when America will give republics to Europe." Now Adam Thom, though, no doubt, sympathizing with the just claim of the French Canadians for self government, was intensely British in feeling, and therefore entered with great ardour into the discussions then going on. Well educated, fond of society, which in Montreal was entirely under the control of the ruling powers, and with his career to make, the young lawyer threw himself into the wordy warfare, and wrote the letters signed "Camillus," remembered for many a day for their anti French fervor and power. It is even said that for a time he occupied the position of editor of the leading English journal of Lower Canada, the "Montreal Herald." His prominence as a publicist naturally drew to him the attention of Lord Durham who arrived in Canada on his mission of pacification on May 29th, 1838. The brilliant Earl of Durham, who did more for Canada in the short six months of his stay in the New World than any other Governor-General in his full term, had the faculty of associating with himself men of the greatest ability. As to the great report, Justin McCarthy says of him in his "History of Our Own Times," "His policy for the Canadas was a great success. It established the principles of colonial government." With him on his staff Lord Durham had brought over as secretaries and assistants three men of exceptional ability—Charles Buller, who had been a member of the British House of Commons, the brilliant, though somewhat wayward Edward Wakefield, and Thomas Turton, a very clever barrister. To this group of able assistants the young lawyer Adam Thom was added, and in the train of the great Liberal statesman he seems to have returned to Great Britain in the autumn of 1838, where he spent the winter in London.

RECORDER AT RED RIVER.

In 1835 the Hudson's Bay company received back from Lord Selkirk's heirs the transfer of the district of Assiniboine, which had been sold to the Earl in 1811. As the population of the settlement had grown by this time to about 5,000 souls, it was deemed wise to have established some simple form of legal institutions. A council of fifteen members appointed by the Hudson Bay company met at Fort Garry on the 12th of February of that year and passed certain ordinances. Among

these was one dividing the settlement into four districts, and establishing a quarterly court of summary jurisdiction in each of these competent to deal with small amounts. Each of these courts was empowered to refer any case of doubt or difficulty to the Court of Governor and Council of Assiniboine, as the Red River Legislature and judicial body was called. The establishment of a court of appeal such as had been decided on, and the fact that the Governor of the colony was sometimes a trader and at other times a military officer led the company to consider the necessity of appointing a trained lawyer to adjudicate in such cases as might arise, and to give legal advice to the company in its complicated business. Alexander Ross argues at some length against the need of this, but his reasons show he had little comprehension of the principles on which alone communities can advance. Sir George Simpson had met the young lawyer and political writer in Montreal, and on the completion of his engagement with Lord Durham offered Mr. Thom the new judgeship then decided on, and the first recorder of Rupert's Land, or he is also called the President of the Red River Court, left England, came by way of New York and reached Fort Garry in the spring of 1839. Sir George Simpson was credited with great shrewdness in making the appointments for the Hudson Bay company. It is evident from the very considerable salary—£700 sterling a year—paid the new judge at a time when incomes were ridiculously low on Red River, as well as from the unanimous opinion of Ross, Dr. Mountain, Rev. John Ryerson, and James Hargrave, the historian of the Hudson Bay company, that Adam Thom was a man of decided ability, upright character, and very extensive reading. It would seem to one now that a lawyer who had practiced longer at the bar, and who had not been so pronounced as a publicist in Montreal, would have made a more impartial judge, but the fact that for ten years he administered law in the courts without complaint would seem to show that the troubles which arose in the later years of his judgeship arose rather from the inevitable conflict between the company and the people than from any fault of his.

HIS "ALTER EGO."

We turn aside for a little to look at the career of Mr. Thom's college friend, John McCallum, who, as we have seen, in 1833 came to Red River to establish what to-day has become St. John's college with its affiliated schools, and it may be premised that in him we have one of the truest and most practical men of the old Red River settlement. With the aid of his superior, Rev. Mr. Jones, buildings were erected between the southwest corner of the present St. John's churchyard and the river bank. In the year 1836 Mr. McCallum married the daughter of Chief Factor Charles, of the H. B. Co. The school steadily grew, and five years after its founding Rev. Mr. Jones returned to England and Mr. McCallum became head of the institution, so that when the old friends from Aberdeen met at Red River, the one,

Judge Thom, was the head of the legal, the other, McCallum, of the educational, interests of the wide extent of Rupert's Land. Originally the boarding-school had been begun under the auspices of the Church Missionary Society, but at the time of the visit of Dr. Mountain, Bishop of Montreal, to Red River in 1844, a change had taken place, for he says, "It is now conducted by Mr. McCallum on his own account with the help of an allowance from the company. It is really a nice establishment, and the premises attached to it have more neatness and finish than is common in young and remote settlements. The youths have a separate garden for their own amusement." Mr. McCallum had by his patience and industry taken such a hold on the community that on the visit of the

BISHOP OF MONTREAL

it was deemed advisable to ordain him, which event took place on 7th of July, 1844. Mr. McCallum's duties not only included the school but for the next three years the incumbency of the parish church, which then reckoned amongst its hearers all the people of Kildonan. Judge Thom had for several years taken up his abode at Lower Fort Garry, where his wife and children lived with him. In the year 1846 the British Government being in the midst of the contention with the United States over the Oregon question and probably on account of the enforcement of the company's claims thought it wise to send out the 6th Royal regiment to Red River. The Lower Fort being required for the troops Judge Thom was compelled to seek quarters elsewhere and seems to have lived, for a year, three or four miles this side of the f.r.t. In 1847 he purchased the house, then just built by Chief Factor Charles, in which the Bishop of Rupert's Land now lives, and which is well known as Bishop's Court. Judge Thom refers with peculiar pleasure to the changes which had made him "door neighbor" to his old friend, McCallum, "with nothing but a paddock between." The school was now at its height for there were in it more than fifty paying pupils, including girls. From it came A. K. Isbister, one of the most distinguished men born in Rupert's Land, and to the "McCallum school" members of the older generation of Red River settlers look back with fond affection. Sad indeed was it for education and religion on Red River that Mr. McCallum died in 1849. Judge Thom became his executor and Bishop Anderson, the first Bishop of Rupert's Land, arrived just in time to perform the funeral services of the worthy teacher.

ST. JOHN'S COLLEGE.

On Mr. McCallum's death the school immediately began to decline. Bishop Anderson was so busy with the other duties of his office that the institution was suffered to languish. In 1855 a reorganization was attempted, a number of the leading people of the country were formed into a college board, the name of St. John's college was chosen, and the coat of arms, with the beautiful motto "In Thy Light Shall we see Light," adopted.

In three or four years the want of success compelled the closing of the college. In 1865 the present Bishop of Rupert's Land arrived at Red River. The McCallum school buildings had become a ruin. On his leaving on his first journey in his diocese the bishop gave orders that they should be pulled down. This was partially done, but the central building was thought good enough to be preserved. It was accordingly spared, and those who have come to Manitoba even in recent years may remember the house occupied by the Rev. Samuel Pritchard—the remnant of the McCallum buildings. Bishop Machray refounded St. John's College in 1866, from which time it has had an ever increasing and prosperous existence. Mr. McCallum's widow and daughter, who are still living, invested a sum of money for St. John's college and the excellent anemometer, a good microscope and other instruments have been supplied from this source. Judge Thom always took a deep interest in St. John's college, being one of its honorary fellows and was also a benefactor of Manitoba college.

JUDGE THOM IN PUBLIC.

From his high position and public sympathies, Judge Thom became a most influential man in the Red River settlement. He had a marvellous gift of language, and in such a primitive society as that of Red River, was sure to be looked up to by many as an oracle. He was exceedingly approachable, and his ardent temperament led him to do all sorts of kind services; for those who sought his assistance. When the bishopric of Rupert's Land was founded, he became the registrar; when the Kildonan church wanted a deed he drew it up, and made it so firm in its provisions that when changes were necessary a few years ago in the tenure they were very difficult to make. Though the agent of the Hudson Bay company, and therefore bound to carry out the policy of the company, as to not encouraging the entrance of too many religious bodies on Red River, he is said to have had a hand at the same time in framing the petitions forwarded to London by the Presbyterians of Kildonan. Rev. John Ryerson, on his visit to Red River in 1854, tells of his going down to Kildonan to hear a lecture from Judge Thom "On the state and progress of the Red River Settlement," and the hearer says that the subject was treated "with great elegance, beauty and ability." In the council held at Fort Garry the judge was a leading spirit, and we are told that by the people generally "his influence was regarded as disproportionately great." The council being looked upon as the instrument of the Hudson's Bay Company, it is quite evident that his being a ruling influence in that body would subject him to severe criticism by the people, and that to a certain extent his influence

AS A JUDGE

would be lost. As already stated, the relations of the settlers on the Red River to the Hudson Bay company had become very unsatisfactory. The company, by their charter, no doubt had a monopoly of the fur trade.

But the mass of the people being hunters, and finding it difficult otherwise to gain a living, hardly recognized this—and indeed the company had not enforced their claim. For some reason, according to some, on Judge Thom's advice—it was decided to enforce the right of company. Accordingly, in 1844, Governor Christie issued two proclamations, one of them requiring each settler before the company would carry any goods for him to make a declaration that for the past winter he had not, directly or indirectly engaged in the fur trade; the other proclamation required the writer of any letter, which was sent by post to write his name on the outside, and should he not have made the declaration required as to trading in furs then his letter must be deposited in the office, open, to be examined before being sent. These were tyrannical and severe enactments. Cases are cited in which settlers, traders, and even missionaries were caused much inconvenience and loss by these stringent regulations. The governor and the legal adviser, Judge Thom, naturally received the greater part of popular disapproval. The French half-breeds took the lead in the agitation against the company. A strange story is related as to the way in which the English half-breeds who had hitherto supported the claim of the company, came to throw in their lot with their French fellow-countrymen. A company officer had left his two daughters at Fort Garry to be educated. One of them was the object of the affection of a young Scotch half-breed, and at the same time of a young Highlander. The young lady is said to have preferred the Metis, but the fond parent favored the young Highlander. The Scotchman, fortified by the father's approval, proceeded to upbraid the Metis for his temerity in aspiring to the hand of one so high in society as the lady. As love ruined Troy so it is said this affair joined French and English half-breeds in a union to defeat the company.

THE SAYER AFFAIR.

During the five years after the publication of the proclamation a constant agitation was going on among the French. The leader of this uproar bore a name better known to the present generation as that of his son, Louis Riel. Riel the elder was born at Isle a la Crosse, and was the son of a French Canadian father, and a French half-breed mother. He was educated in Lower Canada, came to the Northwest to enter the service of the company, and was for two years a novice in the Oblate order. He afterwards built a water mill on the Seine, three or four miles from St. Boniface, made a canal nine miles long to feed it, and was married to one of the well known Lagimodiere family, and from this union sprang Louis Riel of rebellion fame. The miller of the Seine was a very capable man; had a great power over his fellow-countrymen; and was a born agitator. When popular feeling had been thoroughly roused it happened that in 1849 Guillaume Sayer, a French half-breed trader, bought goods intending to go on a trading expedition to Lake Manitoba. It was determined to arrest Sayer and three of his associates. This

was done, but Sayer only was kept in prison.

As the day of trial drew near the excitement grew intense. Governor Caldwell was known to be inflexible. Judge Thom, it was remembered, had written the famous "Anti Gallic letters" in Montreal; he was, moreover, said to be the director of the policy of restriction, and a strong Company man. The day of trial had been fixed for Ascension day, May 17th, and this was taken as a religious affront by the French. The court was to meet in the morning. On the day of the trial hundreds of French Metis, armed, came from all the settlements to St. Boniface church, and leaving their guns at the door of the church, entered for service. At the close they gathered together and were addressed in a fiery oration by Louis Riel. A fellow countryman writing of the matter says: "Louis Riel obtained a veritable triumph on that occasion, and long and loud the hurrahs were repeated by the echoes of the Red river." Crossing by way of Point Douglas, the Metis surrounded the unguarded court house at Fort Garry. The governor and judge arrived and took their seats at eleven o'clock. A curious scene then ensued, the magistrates protesting against the violence, Riel in loud tones declaring that they would give the tribunal one hour, and that if justice were not done, then they would do it themselves. An altercation then took place between Judge Thom and Riel, and with his loud declaration: "Et je declare que dis ce moment Sayer est libre"—drowned by the shouts of the Metis, the trial was over and Sayer and his fellow prisoners betook themselves to freedom, while the departing Metis cried out: "Le commerce est libre! le commerce est libre! vive la liberte." This crisis was a serious one. Judge Thom, at the suggestion of Sir George Simpson, did not take his place on the bench for a year though he still held his position and his emoluments. It was the end of the attempt of the company to enforce its distasteful monopoly.

OTHER CASES.

The constitution of the court at Fort Garry made it quite possible for the recorder to absent himself and for the governor and associated magistrates to carry on the business. About a year after the Sayer affair a very complicated case arose in which what would be called the leaders of society at Fort Garry were involved. It was a quarrel of Company officials. Capt. Foss, staff officer of the pensioners, brought an action for defamation of character against Trader Pelly and his wife and two other persons for connecting his name dishonorably with the family of the gentleman in charge of Fort Garry. Governor Simpson and Judge Thom examined into the case privately, and on the occasion of the trial Judge Thom took his seat again as recorder, though apparently much to the displeasure of Governor Caldwell. After this, for a year with the approval of Gov. Simpson, the recorder did not sit. In 1851 Judge Thom was appointed clerk of the court with the same salary as formerly and so continued to act until the time of his departure for England. Records of other cases than

those mentioned are found day in proceedings. Up to the year 1840 the work done by Judge Thom seems to have been very satisfactory and efficient. Col. Crofton testified that in 1847 the legal business was done in a perfectly smooth and successful manner. In 1848 Judge Thom delivered judgment on the Calder case, involving the jurisdiction of the Hudson's Bay company, and that has been quoted with approval as an important opinion in the Supreme Court of Canada by a prominent Q. C. of this city.

RETURNS TO BRITAIN.

Fifteen years of service in the remote and isolated settlement of Red River had enabled the recorder to accumulate a handsome competence. His friend McCallum was dead, and the troubles between the company and the people made it disagreeable for the well abused judge to remain in his new world sphere. He accordingly resigned, and returning by way of York Factory sailed from that port in the company's ship "The Prince of Wales" on September 20, 1851, with his wife and two sons. On the vessel there was the Arctic explorer Dr. Rae, who had just found the first traces of Sir John Franklin; and also Rev. John Ryerson, who has left a written account of the voyage, which proved to be tedious and dangerous, taking nearly six weeks to London. In the second year after his return Judge Thom received the degree of LL.D. from his own university at Aberdeen in recognition of his attainments. He appears to have lived at Edinburgh and Torquay in what might seem to be his declining years, but removed to London in 1870 and took up his abode in his well known residence, 49 Torrington Square, a score of years longer. The family of his departed friend were a constant care to him. For them he always showed a passionate regard. A troublesome lawsuit with a leading banking house in London for misuse of his funds, worried him for years and ended in his losing the case.

HIS LITERARY TENDENCIES.

The Bishop of Montreal, on his visit to Fort Garry in 1844, mentions that at that time Recorder Thom "was deeply engaged latterly in Biblical studies." In 1821 at Aberdeen he had joined the Hebrew class, an extraordinary thing for an aspirant to the legal profession. But like numbers of great students he had become involved in the seemingly hopeless mazes of the interpretation of the prophecies of Scripture. In 1847 he completed for publication his work on the typical character of what he calls "Abraham's 430 years." An active mind like that of Judge Thom must have something on which to work. In not having enough to fill up his time and utilize his energies, he must have some abstruse line of study. His mind seems to have had a bent towards mathematics, and his inclination and probably early training led him to be a minute study of the Bible, even in the original tongues. As showing his bent toward figures, the writer remembers Judge Thom saying that he never got into a London omnibus—many of whose figures run up into

the thousands—without resolving the number into its factors, and combining them in every possible manner. Nothing delighted him so much as to get an appreciative listener and to refer for an hour at a time to the marvellous events of history and to show that they were not isolated, but were part of a great system of development.

HIS GREAT HOBBY.

His reverence and his mathematical bias at length settled on an idea which completely mastered him, and made him in his later years a perfect arithmetical enthusiast. There is lying before the society his large octavo work of 300 pages printed by Remington & Co., London, and which contains his elaborate theory. This work has his essay, which he calls "Emmanuel," in a "pentaglot miniature," i. e., in English, French, German, Italian and Spanish. In the preface it is stated that a lady, evidently one of the McCallum family had placed the means at his disposal for printing an edition for gratuitous distribution to friends and learned bodies. The dedication of this strange work runs thus:

"To
MISS E. J. M.,
The Self-denying Donor
of
Emmanuel's Polyglot Autobiography
To the Appropriate Libraries
All round the Globe."

An investigation of the work shows that his idea is that 33 and 34, which he in some way regards as the alternative numbers representing the length of our Saviour's life on earth, are normal units of all the great events of history. Of course, though he so thoroughly believed in his theory and in its very great value, yet it may easily be seen that it is only a series of arbitrary groupings and fanciful identifications. The wonder is that a mind of such strength could have wasted itself on a path so fruitless and so extravagant.

LAST DAYS.

In summing up the life of the first judge of Rupert's Land, it is evident we are dealing with a man of great activity and capacity. He was perfectly at home in the Greek and Latin classics; he was a Hebrew scholar, and well acquainted with our own literature. He was well versed in law, and gave his opinions with fullness and decision. An active newspaper writer in his earlier days, he always maintained a lively interest in public affairs. It was his misfortune to be crushed between the two strong forces of a great trading company's interest and the natural aspirations of a people after freedom. No doubt this wounded his proud spirit deeply and prevented him ever visiting the Red River again as he would have liked to have done. He was no trimmer; he was not even politic. He had strength of feeling and tenacity of purpose. Though somewhat difficult to work with yet he was open, and at heart kind and considerate. Passing away as he did on the 21st of February of this year, in his eighty-eighth year, in a quiet old age we may well drop a sympathetic tear to the memory of the honest old warrior.